

**Remarks**

The claims have been amended using the revised format as published in the Official Gazette notice of February 25, 2003. New claims 31-41 cover a gasoline additive concentrate composition, currently amended claim 15 and new claim 42 cover a fuel composition, and currently amended claims 18 and 19 cover a method that uses a fuel composition. Claims 20-30 are currently canceled.

Support for new claim 31 is original claim 1, line 32 on page 3 to line 5 on page 4, and lines 27-31 on page 5. Support for new claims 32-39 are original claims 4-10 and 14. Support for new claims 40 and 41 are original claims 11 and 12, and lines 15-23 on page 5. Support for currently amended claim 15 and new claim 42 are lines 4-17 on page 8. Support for currently amended claims 18 and 19 is from line 29 on page 8 to line 8 on page 9.

It was indicated that the claims 15, 18-26, and 29-30, which were filed with a request for continued examination, were unpatentable for obviousness under 35 USC 103(a) over the combined admitted prior art. The admitted prior art includes Fuentes-Afflick et al. (EP 0947576A1), Block et al. (WO 93/21288A1) and Schilowitz (US 5,968,211).

Fuentes-Afflick et al. disclose a fuel additive composition comprising a) a hydrocarbyl amine and/or a polyetheramine and b) an ester of a carboxylic acid and a polyhydric alcohol such as glycerol monooleate and dioleate that can be used in a gasoline concentrate with an aromatic hydrocarbon solvent and in a gasoline fuel composition to reduce fuel consumption. Applicants submit that Fuentes-Afflick et al. do not disclose or suggest the alkoxyated fatty amine of this invention.

Block et al. disclose a friction modifier composition that is a combination of an alkoxyated hydrocarbyl amine and a polyol partial ester of a fatty acid that can be used in a lubricant such as an engine motor oil to enhance fuel economy. Applicants submit that the disclosure of Block et al. is not relevant to fuel related compositions because it is silent on use in fuels and a person of skill in the art would have no reason or expectation of success to use the friction modifiers of a lubrication process in a fuel combustion process.

Schilowitz discloses a method to keep a gasoline additive concentrate containing wear and friction reducing additives, such as esters of fatty acids derived from natural fats and oils, fluid at low temperatures by using an aromatic solvent and a compatibilizer that can be an alcohol, an amine such as an ethoxylated cocoa alkylamine, or a mixture thereof.

Applicants submit that the above admitted prior art taken in combination discloses that other fuel additives to include detergents/dispersants can be used but does not disclose or suggest the unexpected significant improvement in fuel economy that is obtained from a fuel containing the composition of

amended claim 31 which includes an alkoxylated fatty amine, a partial ester having a free hydroxyl group, and a nitrogen-containing detergent selected from a polyetheramine, hydrocarbyl amine, Mannich reaction product, and a mixture thereof. The Examiner's attention is directed to the ASTM Sequence VI B fuel economy engine test results on page 9 of the application. The fuel of Example 2 gives an unexpected significant increase in fuel economy relative to an untreated fuel (2.69% and 1.52% increase at stages 1 and 2) and relative to the treated fuel of Example 1 (2.39% and 0.94% increase at stages 1 and 2). While both fuels of Examples 1 and 2 contained diethoxylated tallowamine and glycerol monooleate, the much better performing fuel of Example 2 also contained detergents—a polyetheramine and a Mannich reaction product. Applicants submit that independent claim 31 and the claims depending from claim 31 (15, 18, 19 and 32-42) are patentable over the above admitted prior art based on the unexpected performance benefit provided by the composition of claim 31.

It was indicated that claims 27 and 28, which involve a pour point depressant and were filed with the request for continued examination, were unpatentable for obviousness under 35 USC 103(a) over the above admitted prior art in view of Wyman (US 3,250,715).

Wyman discloses a terpolymer for use as a pour point depressant in lubricants, but is silent on fuels. Wyman does not disclose or suggest use of the terpolymer in fuels and gives no reason or expectation of success to a person of skill in the art to use the terpolymer in fuel compositions. For the foregoing reasons applicants submit that current claims 19 and 40-42, which involve a pour point depressant, are patentable over the above admitted prior art in view of Wyman. Applicants further submit that claims 19 and 40-42 are patentable over the cited art since they depend from independent claim 31 the composition of which provides an unexpected performance benefit.

It was indicated that claims 15 and 18-25, which were filed with the request for continued examination, were unpatentable under the judicially created doctrine of obviousness-type double patenting over claims 1-8, 10-17, 19, 21 and 23 of Daly et al. (US 6,224,642 B1).

The cited claims of Daly et al. cover a composition, a concentrate, a fuel composition and a fueling process where the composition comprises a polyetheramine and a compound or mixture of compounds selected from a list of fatty materials that include a fatty acid ester such as glycerol monooleate and an alkoxylated amine. Daly et al. do not disclose or suggest the unexpected fuel economy performance benefit provided by the composition of current independent claim 31. Applicants submit that the current claims, independent claim 31 and dependent claims 15, 18, 19 and 32-42, are patentable over Daly et al. due to the unexpected performance benefit provided by the composition of claim 31.

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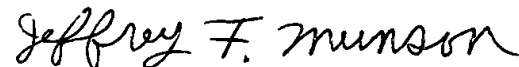
It was indicated that method claims 18 and 19 were rejected for being indefinite under the second paragraph of 35 USC 112 because they appear to be repetitive.

At the Examiner's suggestion former method claims 18 and 19 were combined in current claim 18 which depends from currently amended claim 15 while a second method claim, current claim 19, similar to current method claim 18 was added that depends from new claim 42. Applicants submit that the current method claims 18 and 19 do not duplicate each other, are definite, and are consequently patentable.

Based on foregoing amendments and remarks, it is submitted that the present claims are in condition for allowance and that the reply to this Office Action is fully responsive. An early and favorable reconsideration is respectfully requested. If the Examiner believes that only minor issues remain to be resolved, a telephone call to the undersigned is suggested.

Any deficiency or overpayment in fees for this application should be charged or credited to Deposit Account No. 12-2275 (The Lubrizol Corporation).

Respectfully submitted,  
THE LUBRIZOL CORPORATION



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